

RESPONSE TO COMMENTS

Wapato Wastewater Treatment Plant NPDES Permit WA0050229 DATE: July 26, 2023

Summary

On June 27, 2022, the U.S. Environmental Protection Agency Region 10 (EPA) issued a public notice for the proposed National Pollutant Discharge Elimination System (NPDES) permit for the Wapato Wastewater Treatment Plant (WWTP), located within the Yakama Reservation in Washington. The public comment period closed on August 11, 2022.

On April 13, 2023, EPA issued a second public notice for the above facility. The second public comment period closed on May 15, 2023.

During the first public comment period, EPA received comments from:

- Jay Swift, P.E., Gray & Osborne, Inc. on behalf of the City of Wapato.

During the second public comment period, EPA received comments from:

- Jay Swift, P.E., Gray & Osborne, Inc. on behalf of the City of Wapato.

Changes in Response to Public Comment

This document presents all comments received and provides corresponding responses to those comments. As a result of comments received during both comment periods, the following revisions were made to the final permit from the April 2022 draft permit:

- The zinc maximum effluent limits were revised to an average monthly limit of 25 µg/L and a maximum daily limit of 52 µg/L.
- The copper effluent limits were removed from the permit.
- The silver effluent limits were removed from the permit.
- The requirement for monthly silver monitoring was removed from the permit.
- The mercury effluent limits were removed from the permit.
- The requirement for monthly mercury monitoring was removed from the permit.
- The frequency for observation of the receiving water has been specified as once a week.
- The requirement for monitoring of biochemical oxygen demand (BOD) and total suspended solids (TSS) in the receiving water has been removed from the permit.
- The requirement for temperature monitoring of the receiving water has been modified from continuous monitoring to sampling once a day, Monday through Friday between April 1 and October 31. Sampling must occur between 5pm and 6pm.

- Permit Part III.A, describing procedures for submission of the nutrient optimization report, was removed from the permit. The submission requirements can be found in Permit Part II.A.

Editorial Changes to Final Permit

EPA has corrected the following editorial errors in the Wapato WWTP permit:

- EPA has corrected typos, formatting, punctuation, and added abbreviations in the permit
- EPA has corrected internal references
- In Permit Part I.B.5, EPA has corrected the 24-hour violation notification requirements to require reporting for ammonia and zinc instead of pH. EPA has maintained the 24-hour reporting requirement for *E.Coli*.

Response to Comments from June 2022 Public Notice

Comment 1. The reasonable potential analysis and effluent limits for silver, zinc and copper should be reassessed with a more realistic and appropriate consideration of the impact of hardness on metals toxicity. The approach to hardness utilized in the Draft Permit is not consistent with standards implemented in Washington State, which allow calculation of the hardness of the mixture of effluent and receiving water based on the acute and chronic dilution factors. This approach has been used in many facilities in Washington State (Sumner, Buckley, etc.) including at least one overseen by EPA (City of Puyallup). (See screenshots from Sumner’s fact sheet and Ecology’s water quality-based permit calculations for Buckley below.)

Reasonable Potential Calculation			
		Acute	Chronic
Facility	Sumner STP	3.4	17.7
Water Body Type	Freshwater		17.7
Rec. Water Hardness	Acute=48.1, Chronic=29.2 mg/L		17.7

Step 4: Specify if using 'Mixed' values for hardness, temperature, and pH

	Use 'Mixed Hardness' (Y/N)	Use 'Mixed Max Temp' (Y/N)	Use 'Mixed pH' (Y/N)
	Y	N	N
Acute Zone Boundary	43.9	18.9	7.4
Chronic Zone Boundary	27.1	15.6	7.3
Whole river at 7Q10	25.8	15.4	7.3

As noted in the NPDES Fact Sheet for the Puyallup WPCP, *the hardness dependent metals criteria were calculated based on the combination of historical receiving water hardness and effluent hardness data. The same hardness values used in the previous permit cycle were used to calculate effluent limits for the new permit. A hardness value of 43.5 mg/L as CaCO₃ was used as the projected hardness at the edge of the acute mixing zone. A hardness value of 25.50 mg/L CaCO₃ was used as the projected hardness at the edge of the chronic mixing zone.*

If this approach were applied to the Wapato permit, since there is no dilution at critical conditions (non-irrigation season), the concentration of hardness in the effluent would be used for the reasonable potential analysis and water quality based permit limit calculations. Effluent hardness values for the Wapato WWTP were not available for this memorandum. However, they likely would be high enough that there would be no reasonable potential and thus no need for some or all of metals limits. It is recommended that this be implemented for silver, as well as copper and zinc and removal or relaxation of limits be considered, consistent with CWA sections 303(d)(4) and 402(o)(2).

The Draft Permit assumes no dilution in the mixing zone for metals concentrations, and significant dilution (and 5th percentile hardness) in the mixing zone for hardness. The fact that these conditions would be impossible to occur simultaneously is one of the reasons why mixed hardness has been implemented in Washington State. This better reflects reasonable worst-case conditions and provides an appropriately conservative scenario for permitting, given the other conservative assumptions employed, including the use of the 95th or 99th percentile maximum projected effluent concentration.

Response. As explained in the April 2023 Revised Fact Sheet, the City provided EPA with 56 effluent hardness samples after the first public notice. EPA used the new data to reevaluate the reasonable potential analysis and water quality-based effluent limit calculations in the draft permit. EPA conducted the reasonable potential analysis and calculated water quality-based effluent limits to represent critical conditions during the non-irrigation season.

The changes that resulted from using the City's effluent hardness were presented in the April 2023 draft permit and revised fact sheet. These changes included reinstating the 2011 zinc effluent limits, the removal of copper effluent limits, the removal of silver effluent limits, and the removal of monthly silver effluent monitoring.

Comment 2. The reasonable potential analysis for metals (silver, zinc, copper and mercury) was derived using Reasonable Potential Multipliers (RPMs) based on the 99th percentile maximum projected effluent concentration (at the edge of the mixing zone). This is not consistent with the Washington State Department of Ecology (Ecology) implementation of the State's WQS, which utilizes the 95th percentile maximum projected effluent concentration (at the edge of the mixing zone).

The reasonable potential should be re-assessed using RPMs based on the 95th percentiles. Given the other conservative assumptions used in the derivation of permit limits, this is appropriate and protective, as has been established in Washington State.

It is recommended that this be implemented for silver and mercury, as well as copper and zinc, and removal or relaxation of limits be considered, consistent with CWA sections 303(d)(4) and 402(o)(2).

Response. For EPA-issued permits, it is EPA Region 10's general practice to use the 99th percentile maximum projected effluent concentration for the reasonable potential calculations. No changes were made to the permit as a result of this comment. See also response to comment #1 describing the changes that were made to the permit as a result of additional data provided by the City.

Comment 3. We certainly understand the importance of removing mercury from the aquatic environment; however, it is recommended that the decision to implement final mercury limits be deferred until the completion of the mercury minimization study. The proposed limits could be identified as interim limits, which could more easily be removed without running afoul of antibacksliding provisions.

Response. EPA has removed the mercury effluent limits and compliance schedule from the final permit in response to comment #16 received during the April 2023 public comment period. This comment is moot; therefore, no change was made to the permit as a result of this comment.

Comment 4. The City has received funding from Ecology for a study to evaluate and implement measures to reduce copper and zinc. However, completion of that effort is not expected to occur until October 2023. If EPA elects not to accept our proposed changes based on hardness and/or confidence levels, a compliance schedule is requested through the completion of the study.

Response. EPA has removed the copper effluent limits from the final permit as described in response to comment #1 above, and therefore, no compliance schedule is required for copper.

EPA includes compliance schedules "when appropriate" and the permittee must comply with the effluent limits "as soon as possible" (40 CFR 122.47(a)). When a permit contains new, more stringent water quality-based effluent limits, a compliance schedule can be provided in the permit.¹ Here, the zinc effluent limits in the final permit are the same as the zinc effluent limits in the 2011 permit. The 2011 permit included a compliance schedule for the zinc effluent limits which allowed the City until December 1, 2015 to meet the final effluent limits. As such, the City should already be meeting the effluent limits. Given this, EPA cannot provide the City with additional time to meet the zinc effluent limits in the final permit. No change was made to the permit as a result of this comment.

Comment 5. In Section I.B.2.b (Narrative limitations for floating, suspended or submerged matter), the required frequency of observation of the surface of the receiving water should be specified.

¹ <https://www.epa.gov/npdes/compliance-schedules-water-quality-based-effluent-limitations-npdes-permits>

Response. As described in the April 2023 revised draft permit and revised fact sheet, the surface of the receiving water must be observed weekly, at the same frequency as the receiving water monitoring. The final permit reflects this change.

Comment 6. In Section D. Surface Water Monitoring Report, in Table 3, it is recommended that the upstream and downstream testing for BOD₅ and TSS be deleted or decreased to once a month. Ambient monitoring for these parameters is not common in Washington State (certainly at this frequency). In addition, the MBR effluent is inherently low in BOD₅ and TSS, so this monitoring would not appear to be necessary specifically for this receiving water and would entail an unnecessary burden on the City.

Response. EPA agrees that the effluent of the MBR facility is low in BOD₅ and TSS. Upstream and downstream receiving water monitoring during the last 5 years shows very little difference in BOD₅ and TSS values upstream and downstream of the effluent. In response to this comment, EPA revised the monitoring requirements in the April 2023 revised draft permit and revised fact sheet. EPA reduced the monitoring frequency for BOD₅ and TSS monitoring in the receiving water from weekly in the June 2022 draft permit to monthly in the April 2023 and final permit. These changes are reflected in the final permit.

Comment 7. Similarly, the ambient temperature monitoring should be reduced to once per day. If the final permit requires continuous ambient temperature monitoring, a compliance schedule should be employed, as it will take some time to obtain an approval or permit from the Wapato Irrigation Project. Since there is not continuous flow in the drainage way during the non-irrigation season, the permit should specify that temperature monitoring is only required in the irrigation season.

Response. EPA acknowledges the difficulty in maintaining a continuous temperature monitor in the receiving water due to the intensive routine maintenance on the drainage way conducted by the Wapato Irrigation Project. In consideration of this comment, and as described in the April 2023 revised draft permit and revised fact sheet, EPA has modified the final permit to allow the permittee to take temperature grab samples from the receiving water five times a week for the duration of the permit during irrigation season, from April 1 through October 31, between 5pm and 6pm. No monitoring is required during the non-irrigation season because there is no irrigation flow in the receiving water. EPA encourages the City to implement continuous temperature monitoring. If the City decides to implement continuous temperature monitoring, it will fulfill the temperature monitoring requirements in the permit. These changes are reflected in the final permit.

Comment 8: The deadline for submission of the Mercury Minimization Plan (MMP) should be extended to 12 months.

Response. As a result of comment #16 received during the April 2023 public comment period, EPA removed the mercury effluent limits and mercury minimization plan from the final permit. See response to comment #16. Therefore, this comment is moot.

Comment 9. The evaluation of past and present WWTP operations to determine those operating procedures that maximize mercury removal (required in the MMP) should be deleted. (Conducting the testing to support this will be entail significant expense that would better be put toward evaluation of source control.)

Response: As a result of comment #16 during the second public comment period, EPA removed the mercury effluent limits and mercury minimization plan from the final permit. See response to comment #16. Therefore, this comment is moot.

Comment 10. The following language should be added to Sections 10, 11 and 12 in Table 4: “No later than sixty (60) calendar days following notification from Ecology that it has granted or denied the Facility's request for design and construction funding, Respondent must notify EPA of Ecology's decision and submit to EPA a copy of any written notification from Ecology. In the event that Ecology denies Respondent's request for design and construction funding, Respondent shall include in a status report proposed practicable alternatives to reach compliance in accordance with this requirement, including proposed alternative sources of funding, and EPA may revise this deadline.”

Response: As a result of comment #16 during the second public comment period, EPA removed the mercury effluent limits and the associated mercury compliance schedule from the final permit. See response to comment #16. Therefore, this comment is moot.

Comment 11. Delete the sentence “The inspection also found the grinder at the headworks was out of service at the time of inspection.” Comminutors (grinders) have not been part of WWTP designs for several decades, and particularly are not recommended for MBR systems.

Response. EPA corrected the facility description in the April 2023 revised fact sheet. No change to the final permit was made as a result of this comment.

Comment 12. In Section 2.Designated Beneficial Uses, it is stated that “WIP Drainage Way No. 2 does not have specific use designations in the Washington WQS” and is thus “undesigned.”

Given the state-of-art membrane treatment and the amount of resources that the City is expending to protect the drainage way, it is recommended that the EPA, Tribe and/or Ecology propose (defensibly) what the designated uses are and address permit requirements accordingly. It should be noted that between the drainage way and the downstream Wanity Slough, there is an irrigation flume, which is a significant barrier impacting habitat (including fish passage), navigation and boating, etc.

Response. WIP Drainage Way No. 2 is “undesigned.” Under Washington WQS, which were used as a reference for this permit, “undesigned waterways” are to be protected for the designated uses of salmonid spawning, rearing, and migration; primary contact recreation; domestic, industrial, and agricultural water supply; stock watering; wildlife habitat; harvesting; commerce and navigation; boating; and aesthetic values (WAC 173-201A-600). The permit protects the above designated uses. No changes were made to the final permit as a result of this comment.

Comment 13. There appears to be an error in the effluent mercury data set. It was noticed that the NPDES monitoring data, which was used for effluent concentration calculation to determine the reasonable potential, included an effluent mercury concentration of 0.011 ug/L for March 2019. However, the analytical lab report showed the mercury concentration to be 1.1 ng/L (0.0011 ug/L) for that month. It is recommended that the corrected data be used for the effluent concentration calculation.

Response. EPA incorporated this correction in the reasonable potential analysis for the final permit. As discussed in response to comment #16, EPA removed the mercury effluent limits from the final permit.

Comment 14. It is recommended that the decision to impose a silver limit be deferred until the recommendations regarding hardness and confidence levels are considered. In addition, additional samples appear necessary to make a scientifically sound permitting decision. The reasonable potential calculation spreadsheet on page 68 indicates that only two effluent samples were used. (We understand that additional samples may have been taken, but the data and analytical lab reports were not available for review or considered in the draft Fact Sheet.) In addition, the spreadsheet indicates that the acute metal translator of 0.85, which is appropriate for the calculation, was not used in the evaluation.

Response: In response to this comment, EPA corrected the calculations to use the appropriate acute metal translator of 0.85 in the April 2023 revised fact sheet and revised draft permit. Using the appropriate translator and additional hardness data provided by the City, the facility no longer has reasonable potential to exceed the water quality standards for silver (see response to comment #1). Therefore, the silver effluent limit and monthly monitoring for silver have been removed from the final permit.

Response to Comments from April 2023 Public Notice

Comment 15. To our knowledge, the City of Wapato WWTP will be among the first plants in the State with NPDES-mandated PFAS testing. Considering all the publicity and regulatory attention PFAS is receiving, some monitoring for PFAS appears to be reasonable. At a cost of over \$500 per sample, however, the testing specified in the permit will be very expensive for Wapato, an economically challenged City with high sewer rates, that is already going to see operating and capital costs increase to meet other new requirements. Over the course of the

permit cycle, this additional cost will be over \$15,000 total (5 years x 3 x 2 x \$500 = \$15,000) plus the cost of monitoring industries (total 5 x \$500 = \$2,500). It is requested that the monitoring requirements be reduced. With this revised approach, if PFAS concentrations in the first effluent sample are below the median value for other communities nationwide, no additional PFAS testing will be required. If the first effluent exceeds the median, then the City completes one test round (for influent, effluent and sludge) per year. Similar to WET testing, the City completes (assuming the first effluent test exceeds the median) a test round in the first quarter the next year, the 2nd quarter the next year, the 3rd quarter the next year, and the 4th quarter of the final year of the permit cycle.

Response. As explained in the April 2023 revised fact sheet, EPA has established the PFAS monitoring requirements in the permit in accordance with the December 2022 EPA guidance entitled “Addressing PFAS Discharges in NPDES Permits Through the Pretreatment Program and Monitoring Programs.” Since Wapato is a major facility, EPA is requiring PFAS monitoring 2/year, or 10 sampling events over the course of the 5-year permit term. 10 samples is the minimum number of samples recommended to adequately characterize the effluent and to calculate a Coefficient of Variation (CV) for the dataset used for determining reasonable potential. Therefore, EPA is maintaining the PFAS monitoring requirements in the final permit and has not made any changes to the permit as a result of this comment.

Comment 16. While we recognize the importance of keeping mercury out of the aquatic environment, we were surprised to see mercury limits in the 2022 draft permit (and current draft), since (1) the City has lost all of their dental offices and (2) the major industries are fruit packing which of course would not use or discharge mercury. The effluent mercury data in the fact sheet is highly variable, with some apparent outliers. Knowing that decimal errors can occur when converting parts per trillion to parts per billion, we obtained for review the analytical lab reports for two of the highest reported samples – April 2018 and July 2018 – that appeared to be outliers. It turns out that both of those values were reported 10 times higher than the values on the analytical reports. The April 2018 effluent mercury sample, reported as 0.01800 micrograms per liter, was actually 0.00180 micrograms per liter. The July 2018 effluent mercury sample, reported as 0.0069 micrograms per liter, was actually 0.00069 micrograms per liter. Copies of the analytical reports are attached. After replacement of the erroneous effluent mercury concentrations with the correct values, we do not calculate a reasonable potential to exceed water quality standards for mercury. Because of this, and the fact that no dentists or other likely dischargers or elevated mercury exist in Wapato, we request that the mercury limits be deleted.

Response. In response to this comment, EPA requested the analytical reports for all of the reported mercury samples used in the revised draft permit to calculate mercury effluent limits. In addition to the errors reported in Comment 8 and 16 above, EPA found that the August 2019 mercury effluent sample was reported incorrectly. The value on the analytical report is 88 ng/L,

instead of the reported value of 0.0056 µg/L. This value is suspect and, as such, EPA is excluding it from the analysis.

Using the corrected values for the remaining 18 samples from April 2017- March 2022, EPA recalculated the reasonable potential for mercury. EPA has determined that there is not reasonable potential for the effluent discharge to cause or contribute to an exceedance of water quality standards. The reasonable potential analysis is included below. Since the facility does not have reasonable potential for mercury, EPA has removed the mercury effluent limits from the final permit and the corresponding compliance schedule for mercury.

Pollutants of Concern		MERCURY - SEE Toxic BiOp	
		Year-round	
Effluent Data	Number of Samples in Data Set (n)	18	
	Coefficient of Variation (CV) = Std. Dev./Mean (default CV = 0.6)	0.3473	
	Effluent Concentration, µg/L (Max. or 95th Percentile) - (C _e)	0.00182	
	Calculated 50 th % Effluent Conc. (when n>10), Human Health Only	0.0011	
Receiving Water Data	90 th Percentile Conc., µg/L - (C _u)	0	
	Geometric Mean, µg/L, Human Health Criteria Only	0	
Applicable Water Quality Criteria	Aquatic Life Criteria, µg/L	Acute	2.1
	Aquatic Life Criteria, µg/L	Chronic	.012
	Human Health Water and Organism, µg/L		.14
	Human Health, Organism Only, µg/L		.15
	Metals Criteria Translator, decimal (or default use Conversion Factor)	Acute	.85
		Chronic	--
	Carcinogen (Y/N), Human Health Criteria Only		N
Percent River Flow Default Value = 25%	Aquatic Life - Acute	1Q10	0%
	Aquatic Life - Chronic	7Q10 or 4B3	0%
		30B3 or 30Q10/30Q5	0%
	Human Health - Non-Carcinogen	Harmonic Mean	0%
	Human Health - Carcinogen	Harmonic Mean	0%
Calculated Dilution Factors (DF) (or enter Modeled DFs)	Aquatic Life - Acute	1Q10	1.0
	Aquatic Life - Chronic	7Q10 or 4B3	1.0
	Aquatic Life - Chronic Ammonia	30B3 or 30Q10/30Q5	1.0
	Human Health - Non-Carcinogen	Harmonic Mean	1.0
	Human Health - Carcinogen	Harmonic Mean	1.0

Aquatic Life Reasonable Potential Analysis		
σ	$\sigma^2 = \ln(CV^2 + 1)$	0.337
P _n	$= (1 - \text{confidence level})^{1/n}$, where confidence level = 99%	0.774
Multiplier (TSD p. 57)	$= \exp(z\sigma - 0.5\sigma^2) / \exp[\text{normsin}(P_n)\sigma - 0.5\sigma^2]$, where 99%	1.70
Statistically projected critical discharge concentration (C _e)		0.003
Predicted max. conc. (ug/L) at Edge-of-Mixing Zone (note: for metals, concentration as dissolved using conversion factor as translator)	Acute	0.003
	Chronic	0.003
Reasonable Potential to exceed Aquatic Life Criteria		NO

Human Health Reasonable Potential Analysis		
σ	$\sigma^2 = \ln(CV^2 + 1)$	0.337
P _n	$= (1 - \text{confidence level})^{1/n}$ where confidence level = 95%	0.847
Multiplier	$= \exp(2.326\sigma - 0.5\sigma^2) / \exp[\text{invnorm}(P_n)\sigma - 0.5\sigma^2]$, prob. = 50%	0.708
Dilution Factor (for Human Health Criteria)		1.0
Max Conc. at edge of Chronic Zone, ug/L (C _d)		0.001
Reasonable Potential to exceed HH Water & Organism		NO
Reasonable Potential to exceed HH Organism Only		NO

Comment 17. Section 11 includes this proposed requirement:

If any PFAS chemicals are detected in influent, effluent or sludge sampling completed by three years after the effective date of the permit, the permittee must sample the discharges of industrial users identified as potential sources of PFAS chemicals in the inventory required by Part II.E.3.g at least once for the PFAS chemicals listed in Table 3 by four years after the effective date of the final permit.

PFAS are ubiquitous and detected in pretty much all wastewater samples. We do not believe it makes sense to chase PFAS at the City's industries (predominantly fruit packers) unless the levels of PFAS in the City's effluent are elevated. Similar to the previous comment, we recommend that this requirement not be implemented unless the City's effluent exceeds national median values.

Response. If PFAS chemicals are detected during sampling, the permittee is required to identify the contribution of PFAS from industrial users. EPA is limiting the sampling of industrial users to one sample per user. No changes were made to the permit as a result of this comment.

Comment 18. We cannot comment on whether the requirement to complete a Nutrient Optimization Plan is justified because no justification for requiring the Plan is provided in the Fact Sheet. While, in general, we recognize the importance of minimizing nutrients in the water environment, no justification is provided in the Fact Sheet for requiring the Nutrient Optimization Plan. The completion of the required Plan will require significant expenditures for laboratory and consulting. If a justification (typically tied to site-specific water quality concerns) cannot be provided, we request that the requirement for a Plan be deleted. The justification should be subject to review in an updated draft fact sheet. In any case, we would suggest delaying imposition of these requirements one permit cycle until water quality concerns are adequately documented and vetted.

Response. EPA provided a full explanation and justification for the Nutrient Optimization Plan in the June 2022 fact sheet. In response to this comment, EPA removed the duplicative reporting requirements for the nutrient optimization plan in Permit Part III.A. This section was retained in the second public notice draft permit in error after the requirements were moved to Permit Part II.A.

Comment 19. While we recognize the importance of keeping mercury out of the aquatic environment, the tasks in this compliance schedule are quite costly and a significant burden for a community without dental facilities or other industries that would typically have a reasonable potential for elevated mercury discharges. In addition, as noted in a previous comment, we do not calculate a reasonable potential to exceed water quality standards for mercury. Because of this, and the fact that no dentists or other likely dischargers or elevated mercury exist in Wapato, we request that this section be deleted.

Response. As discussed above in the response to comment #16, EPA has removed the mercury effluent limits in the final permit. No changes were made to the permit as a result of this comment.

Comment 20. This section states:

A description of the facility is provided in the Fact Sheet, dated June 27, 2022, issued during the initial public comment period (June 2022 fact sheet).

It is unusual in our experience that the facility description is not repeated here. It is recommended that draft fact sheets be complete and up to date; otherwise, errors in combining this draft and the previous draft (which may be rare but can occasionally happen) will not have the chance to be caught during a review period.

Response. EPA does not publish final fact sheets. The fact sheet provides the basis for the conditions in the draft permit. EPA provided additional clarification and relevant information for the revised draft permit conditions in the April 2023 revised fact sheet. Since EPA does not publish final fact sheets, there is no concern over errors in combining drafts. No changes to the permit were made in response to this comment.

Comment 21. In the previous (2022) Draft permit there was a section (Section II.E) on the Receiving Water. It is unclear why this section does not appear in this new draft permit. If still relevant, it should be included; if the designated uses of WIP Drainage Way No. 2 have been re-evaluated, then that information should be provided. In previous (2022) Draft permit, Section 2. Designated Beneficial Uses, it is stated that “WIP Drainage Way No. 2 does not have specific use designations in the Washington WQS” and is thus “undesigned.” As we noted in our comments regarding the 2022 Draft permit, given the state-of-art membrane treatment and the amount of resources that the City is expending to protect the drainage way, it is recommended that the EPA, Tribe and/or Ecology propose (defensibly) what the designated uses are for WIP Drainage Way No. 2 and address permit requirements accordingly. It should be noted that between the drainage way and the downstream Wanity Slough, there is an irrigation flume, which is a significant barrier impacting habitat (including fish passage), navigation and boating, etc. These designations should be completed before new permit requirements are imposed.

Response. EPA does not publish final fact sheets and only provides the fact sheets for reference during the public comment period. The April 2023 revised fact sheet addressed the revisions made to the April 2023 revised draft permit. Since there were no revisions to the beneficial uses, the revised draft fact sheet did not include this section. See response to comment #12 for a discussion of beneficial uses. No changes were made to the permit in response to this comment.

Comment 22. Please update the effluent mercury values for April 2018 and July 2018 per Permit Comment No. 2 above. Please update the reasonable potential calculation for mercury in accordance with the attached spreadsheet.

Response. As discussed in the response to comment #16, EPA corrected the April 2018, July 2018, and August 2019 mercury values and provided the updated reasonable potential calculation for determining effluent limits in the final permit. No changes were made to the permit in response to this comment.